

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
James Peter Burnie, et al.) Confirmation No. 8989
)
Application No. 10/553,152) Group Art Unit: 1645
)
Filed: August 4, 2006) Examiner: Rodney P. Swartz

For: CLOSTRIDIUM DIFFICILE FOCUSSED ANTIBODIES

TERMINAL DISCLAIMER PURSUANT TO 37 CFR §1.321(b)

United States Patent & Trademark Office
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401 Dulany Street
Alexandria, VA 22314

Sir:

NEUTEC PHARMA LIMITED represents that it is the exclusive owner of the entire right, title and interest in and to:

- (1) U.S. Application Serial No. 10/553,152, entitled CLOSTRIDIUM DIFFICILE FOCUSSED ANTIBODIES, filed August 4, 2006, by virtue of an Assignment from all inventors thereof executed on November 23, 2005, at Reel 019990, Frame 0034; and
- (2) U.S. Application Serial No. 11/630,926, entitled TREATMENT FOR BACTERIAL INFECTIONS, filed August 6, 2007, by virtue of an Assignment from all of the inventors thereof executed on June 26, 2007, at Reel 019990, Frame 0006, now U.S. Patent No. 7,608,265, issued October 27, 2009.

NEUTEC PHARMA LIMITED hereby disclaims the terminal part of any patent granted on said U.S. Application No. 10/553,152 which would extend beyond the expiration date of the U.S. Patent No. 7,608,265.

NEUTEC PHARMA LIMITED further agrees that any patent issuing on the above-captioned Application No. 10/553,152 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 7,608,265, this agreement to run with any patent granted on said Application and to be binding upon the grantee, its successor or assigns.

In making the above disclaimer, NEUTEC PHARMA LIMITED does not disclaim any terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned Attorney of Record further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Commissioner is hereby authorized to charge the Disclaimer fee of **\$140.00**, as required by 37 CFR §1.20(d), and any additional fees which may be required for this submission, or credit any overpayment to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87278.2760.

Respectfully submitted,
BAKER & HOSTETLER LLP



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